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FEDERAL FACILITIES INVENTORY UNDER RCRA 3016

March 6, 1987

Gary D. Vest, Deputy
for Environment, Safety, and Occupational Health
Deputy Assistant Secretary of the Air Force
(Installations, Environment, and Safety)
Department of the Air Force
Washington, D.C. 20330-1000

Dear Mr. Vest:

Thank you for your letter of December 24, 1986 concerning the inventory of Federal facilities compiled pursuant to Section 3016 of the Resource Conservation and Recovery Act (RCRA). We appreciate your efforts in submitting a timely inventory to EPA and we look forward to working with you when we prepare for the next inventory that is due January 31, 1988.

In your letter you raised several concerns about the inventory. One concern is the need for more time to complete the next inventory. We agree that Federal agencies need more time to compile their inventories, and we intend to distribute the questionnaires for the 1988 inventory well in advance of the January 31 deadline. Our target date for distributing the 1988 inventory questionnaires is June 1987. This date will give you six months to complete your next inventory.

Another concern in your letter is the need for more accurate instructions. Please be aware that we are revising both the questionnaire and the instructions. When we have prepared drafts of these documents we will distribute them to the Federal agencies for comment. The drafts will be distributed through EPA's Federal Roundtable which meets monthly and is sponsored by EPA's Office of Federal Activities. Your representative on the Federal Roundtable will receive the draft questionnaire and instructions for comment.

Your letter also asked about the applicability of RCRA to releases that are being investigated under CERCLA. Before Congress amended RCRA in 1984, RCRA's corrective action authorities applied only to landfills, surface impoundments, waste piles, and land

treatment areas that received hazardous waste after January 26, 1983. However, the 1984 amendments greatly expanded EPA's authority under RCRA to include past hazardous waste management practices at RCRA facilities. Section 3004(u) of RCRA states that every RCRA permit issued after November 8, 1984 shall require ". . . corrective action for all releases of hazardous waste or constituents from any solid waste management unit . . . regardless of the time at which waste was placed in such unit" (emphasis added). Therefore, RCRA permits must address corrective action for releases from any inactive, closed inactive, closed or abandoned units at the facility. For those Air Force installations that must obtain a RCRA permit it is likely that the IRP sites at the installation qualify as solid waste management units and must, therefore, be addressed in a RCRA permit. Under RCRA's corrective action authorities.

Many of your IRP sites that are subject to RCRA's corrective action authorities are also subject to CERCLA, as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA). Section 120 of SARA requires EPA to ensure that a preliminary assessment (PA) is performed before April 1988 for every site identified in the "Federal Agency Hazardous Waste Compliance Docket." Where the PA indicates that the site should be evaluated under EPA's Hazard Ranking System (HRS), EPA has until April 1989 to finish listing the site on the National Priorities List (NPL). Within six months after a site is placed on the NPL the Federal owner/operator must begin a remedial investigation/feasibility study (RI/FS). The statute further provides that EPA and the appropriate State shall publish a timetable for the "expeditious completion" of the RI/FS. Within 180 days of the completion of the RI/FS, EPA and the Federal owner/operator must enter into an interagency agreement (IAG) for the "expeditious completion" of all necessary remedial actions.

For those IRP sites that are subject to both RCRA and CERCLA, the requirements of both programs must be satisfied in full. However, it is possible that the work performed under one program would satisfy the requirements of the other program. Although EPA has not fully developed guidelines for implementing both programs at a single facility, EPA will employ the authority or combination of authorities that best resolve the waste management issues at your installations.

The decision as to which program or programs will be used at your installations should have little or no impact on the ability of

the IR program to clean up your hazardous waste sites. The cleanup standards for RCRA and CERCLA are, except for minor exceptions, the same. The procedures for cleaning up waste sites under RCRA are comparable to the procedures under CERCLA. Furthermore, given the expanded role for States under SARA, the degree of State involvement in both programs is similar. As EPA progresses in developing rules and guidances for the RCRA Corrective Action Program, we are striving to assure consistency between RCRA and CERCLA.

This letter provides only a brief summary of how RCRA and CERCLA may be implemented at your installations. However, we are preparing a guidance document that describes these issues in greater detail, and we will distribute this document when completed.

The final question in your letter concerns our list of potential RCRA violators. We compiled this list of facilities from information submitted to us as part of the inventory. We placed a facility on the list if the inventory indicated that it operated a RCRA unit, but had not submitted a Part A application, a Part B Application, or a closure plan.

As you requested, we examined your inventory responses for the 12 Air Force sites on our list of potential RCRA violators. The following explanation accounts for each site:

- The two sites at Wright-Patterson AFB, Zone 4 and Zone 5, are on the list because the inventory indicated that the installation has an operating waste pile, but had not submitted a Part A application.
- We placed the Municipal Airport for the Arkansas National Guard on the list because the inventory indicated that the airport operates storage and treatment tanks but had not submitted a Part A application.
- The underground tank at Vance AFB is on the list because the inventory indicated that the tank is an operating storage tank but had not submitted a Part A application.
- We placed three sites at Dover AFB on the list

because the inventory indicated that each site has an operating RCRA unit, but had not submitted a Part A application.

- Finally, there are four sites which we have determined should not be on the list of potential RCRA violators. The four sites are "Building 219 []" and "Landfill 1" at Griffiss AFB, the "Site D-4 Landfill" at Kelly AFB, and the DRMO Storage facility at Plattsburgh AFB. The questionnaires for these sites were filled out correctly. However, when we entered the information from the questionnaires into our database, we mistakenly indicated that these sites had operating RCRA units which had not submitted the required information. We will forward this information to the appropriate EPA Regional Office.

Again, thank you for your letter concerning the Federal Facilities Inventory. We urge the Air Force to participate in the process of revising the inventory questionnaire and instructions. We hope that through our mutual efforts and cooperation we are able to produce a thorough and accurate inventory of Federal facilities. For more information about the inventory, please contact Paul Connor, at 475-7066.

Sincerely yours,

Marcia E. Williams
Director
Office of Solid Waste

Gene A. Lucero
Director
Office of Waste Programs Enforcement

cc: Lee Berwig, OPA